

**OTAY RANCH PRESERVE OWNER/MANAGER (POM)
PRESERVE MANAGEMENT TEAM (PMT) MEETING
SPECIAL MEETING**

July 16, 2008
2:30 – 3:30 pm

The meeting is to take place via conference call. Interested parties may participate in the conference call by appearing at either of the following locations:

1600 Pacific Highway, Room 212
San Diego, CA 92101

276 Fourth Avenue, Executive Conference Room, #103
Chula Vista, CA 91910

AGENDA

- I. Call to Order**
- II. Public Comment on items not related to Agenda**
- III. Policy Decision Issue**
 - A. Future Infrastructure
- IV. Next Meetings**
 - A. Policy Committee Meeting: Thursday, July 17th from 2:00-5:00pm. Location: Chula Vista, Public Works Center
 - B. PMT Meeting: September 12th from 2:00-4:00pm. Location: County Administration Center, Rooms 302/303
- V. Adjournment**

PROPOSED CONVEYANCE (TITLE DEED OR IOD) LANGUAGE

Future Infrastructure Easements – County Staff Recommendation

RECOMMENDATION:

County POM staff recommends that siting of future infrastructure, i.e. not existing or described, as a “Planned Facility” in the Chula Vista MSCP (Attachment A) should be processed on a case-by-case basis. Conveyance documents (title deed or IOD) shall not reference the siting of future infrastructure. If there is a proposal to site infrastructure within preserve areas, the person/entity seeking such approval shall request it from the Otay Ranch Preserve Owner Manager (POM), who is granted the authority to allow such siting when deemed appropriate.

BACKGROUND:

To comply with the Otay Ranch Resource Management Plan RMP Phases 1 and 2 conveyance plan requirements, IODs and fee title to various properties have been offered to the City of Chula Vista and County of San Diego for dedication of preserve land. Some of these IODs have included language reserving easements for the siting of infrastructure (Attachment B).

RELEVANT PLANS AND POLICIES:

Resource Management Plan

RMP Phase 1, Policy 6.6 for the Otay Ranch Preserve (Preserve) states that infrastructure facilities may be located within the Preserve as long as the infrastructure meets outlined criteria. As defined in the RMP, “*infrastructure facility*” is defined as a road, sewage, water, reclaimed water, or urban runoff facility. An excerpt from the RMP Phase I stating this policy is attached as Attachment C. The figures mentioned in the excerpt depict the potential locations of roads, sewage, water, reclaimed water, and urban runoff facilities. These figures were updated during the preparation of RMP Phase 2. The updated figures showing the conceptual locations of infrastructure are attached as Exhibits 1- 5 in Attachment C.

County of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan

The County of San Diego MSCP Subarea Plan, Section 3.3.3.8 included the RMP Phase I infrastructure plan by reference and is therefore consistent with the RMP.

City of Chula Vista MSCP Subarea Plan

The Chula Vista MSCP Subarea Plan also considered roads and infrastructure a conditionally compatible use within the preserve. The Chula Vista MSCP Subarea Plan separated the infrastructure into two categories, Planned Facilities and Future Facilities. Planned Facilities are those that have been specifically identified by the City to serve development approved by the City and are specified in Table 6-1 (Attachment A). The Chula Vista MSCP Subarea Plan outlined specific criteria to allow future infrastructure facilities as well. These criteria are listed in Attachment D. The locations of the infrastructure facilities were further refined from those described in the RMP. Since the locations of infrastructure described and depicted in the RMP Phase 2 were conceptual, these refinements were anticipated.

STAFF POSITION:

- The type of infrastructure and location within the Preserve will vary and should be processed on a case-by-case basis:
 - If POM Staff determines the infrastructure facility meets POM approved siting criteria, the POM will approve the siting location; or
 - If POM Staff is unable to make a staff level determination, the Preserve Management Team will evaluate the siting of the proposed easement and direct staff to approve the siting location; or
 - If POM Preserve Management Team is unable to make a determination, they will bring the issue to the POM Policy Committee for consideration.
 - If the POM Policy Committee has a split vote on the item, the action to approve the siting location does not pass.
- The first conveyance documents, IODs, accepted by the POM had no reservations for the siting of future infrastructure.
- The POM, as the ultimate fee title holder, should have approval rights on the siting of the any future infrastructure not contemplated in Phase 1 and 2 RMP, County MSCP, or City MSCP.

**ATTACHMENT A
City of Chula Vista MSCP Infrastructure Facilities**

Table 6-1: Planned Facilities

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Lakes Road	<ul style="list-style-type: none"> Siting of this facility is subject to the: <ol style="list-style-type: none"> Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment. If Otay Lakes Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.
Proctor Valley Road	<ul style="list-style-type: none"> Siting of this facility is subject to the: <ol style="list-style-type: none"> Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). Siting of this facility is subject to the Rolling Hills Ranch SPA Plan and Tentative Map, which allow realignment of the City/County segment. Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment. If Proctor Valley Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.
Otay Valley Road (will become Main Street)	<ul style="list-style-type: none"> Siting of this facility is subject to the: <ol style="list-style-type: none"> Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). Take Authorization Otay Valley Road (which will be renamed “Main Street”) will be extended easterly to connect to Rock Mountain Road. That portion of the Otay Valley Road originally designed to continue easterly from Rock Mountain Road to SR 125 will be subject to further evaluation, and separate Take Authorization. Take Authorization for that portion is not provided through this Subarea Plan. The City will evaluate the potential to relocate that portion of the facility outside the Preserve and/or remove that portion of the facility. If the City determines, after full evaluation, that all or (a) portion(s) of the road may be eliminated from the Preserve, the City will amend the Otay Ranch GDP accordingly and/or incorporate such design changes into the final design of the facility, as appropriate.
La Media Road	<ul style="list-style-type: none"> Siting of this facility is subject to the: <ol style="list-style-type: none"> Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). Take Authorization for the portions of this facility located outside the City will be pursuant to the City of San Diego or County of San Diego Subarea Plans.

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
La Media Road (continued)	<ul style="list-style-type: none"> • The data developed and analysis completed related to La Media Road as part of the SR 125 corridor study will be considered during siting analysis and CEQA review, as appropriate. • La Media Road will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. In addition, the City commits to work jointly with the Wildlife Agencies during CEQA review for the project to identify an alignment of the road which results in the least adverse impact to sensitive resources feasible. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review. • Although the siting of La Media Road has not yet been finalized: <ul style="list-style-type: none"> a. The Wildlife Agencies have reviewed the tentative alignment and have concluded that if impacts to covered Narrow endemic Species cannot be avoided as a result of the final alignment La Media Road, the City may purchase one acre of expanded Otay Ranch Tarplant Preserve land on the San Miguel Ranch; and b. The Wildlife Agencies concur that purchase of said property for inclusion into the San Miguel Ranch Otay Tarplant Preserve or other equivalent Otay tarplant Preserve land acceptable to the Wildlife Agencies will constitute equivalency for impacts to Narrow Endemic Species resulting from the final alignment of La Media Road. <p>Alternatively, the City may mitigate potential impacts pursuant to Section 5.2.3 of this Subarea Plan.</p>
Paseo Ranchero	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Paseo Ranchero will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.
Alta Road	<ul style="list-style-type: none"> • Take Authorization for Alta Road is not provided through this Subarea Plan. Alta Road will be subject to a separate permitting process for receiving Take Authorization.
Rock Mountain Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).
Mount Miguel Road	<ul style="list-style-type: none"> • Mount Miguel Road will be subject to the conditions of the San Miguel Ranch MSCP Annexation Agreement described in Section 7.5.6.4 of this Subarea Plan.
Rolling Hills Ranch; (Two-lane road)	<ul style="list-style-type: none"> • The two-lane road in Rolling Hills Ranch connecting Neighborhoods 9 through 12 are provided Take Authority pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch as discussed in this Plan and specifically cited in Section 7.5.6.3.
Rolling Hills Ranch Road to Future 1296 Reservoir	<ul style="list-style-type: none"> • This facility will be subject to mitigation pursuant to agreement between the OWD and the Wildlife Agencies.

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Rolling Hills Ranch / Bella Lago roadway connections	<ul style="list-style-type: none"> Two road connections from Rolling Hills Ranch to Bella Lago are provided Take Authorization pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch and Bella Lago as discussed in this Plan and specifically cited in Sections 7.5.6.3 and 7.5.6.5.
Southern Trolley Line	<ul style="list-style-type: none"> Take Authorization for the southern trolley line is not provided through this Subarea Plan. The southern trolley line will be subject to a separate permitting process for receiving Take Authorization.
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> Siting of these sewer facilities is subject to the: <ol style="list-style-type: none"> Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). BMPs will be used to design and maintain these facilities. Sewer lines will be sited to avoid mitigation sites created as mitigation for other projects. Maintenance access roads related to these sewer facilities will be sited to avoid to the maximum extent practicable impacts to Covered Species and habitats, including covered Narrow Endemic Species, pursuant to the Facilities Siting Criteria in Section 6.3.3.4 of this Subarea Plan. Through Salt Creek where new maintenance access roads must be developed, road widths will be limited to 12 feet, within a 20-foot disturbance corridor. Through the Otay River Valley where existing unpaved roads will be utilized, road widths will be limited to 20 feet. Maintenance access roads will be constructed as follows: <ol style="list-style-type: none"> Access roads will be constructed of concrete-treated base (CTB) material with aggregate rock to minimize frequency of maintenance. Where access roads exceed a 5% grade, concrete or asphalt may be permitted to ensure maintenance vehicle traction. Where cross-drainage occurs, concrete aprons may be permitted to minimize erosion. Appropriately sized concrete brow ditches on the uphill edge of access roads may be permitted to minimize erosion. Temporary impacts related to these sewer facilities will be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan. Public access to finger canyons associated with the primary canyons involving these facilities will be limited, pursuant to the Otay River Valley Framework Management Plan, Section 7.6.3 of this Subarea Plan.
Poggi Canyon Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> The Poggi Canyon sewer is under construction. The facilities located within the Sunbow II project that traverse the Preserve are subject to the Project Specific Management Requirements for Sunbow identified in Section 7.5.6.1 of this Subarea Plan.
Otay River Valley Equestrian Staging Areas (located in the active recreation area(s))	<ul style="list-style-type: none"> The equestrian staging areas will be subject to the Otay Ranch RMP Phase 1, Policies 6.2 and 6.3 (Appendix D). Equestrian staging areas in the Otay River Valley must be sited within the active recreation areas. A brown-headed cowbird trapping program for these equestrian staging areas will be established and implemented as part of the area-specific management directives for the Otay River Valley.

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Trails designated in the OVRP Concept Plan	<ul style="list-style-type: none">• The trails designated in the OVRP Concept Plan are authorized for Take pursuant to this Subarea Plan, subject to the provisions of the City Planning Component Framework Management Plan, Section 7.5, the Public Access, Trails and Recreation guidelines, Section 7.5.3, and the Otay River Valley Framework Management Plan, Section 7.6.3.
Otay River Valley Interpretive Centers (located in the active recreation area(s))	<ul style="list-style-type: none">• The Otay River Valley interpretive centers are authorized for Take pursuant to this Subarea Plan, subject to the Otay Ranch and 6.3 (Appendix D).• Interpretive centers in the Otay River Valley must be sited within the active recreation areas.

**ATTACHMENT B
IOD Easement Language received in 2006**

RESERVING UNTO GRANTOR, its successors and assigns, together with the right to grant and transfer same, an easement for sewer, water and/or drainage pipelines and facilities necessary to serve adjacent development as required by the City of Chula Vista. Such sewer, water and/or drainage pipelines shall be sited in locations defined and approved by the City of Chula Vista consistent with the provisions of the City of Chula Vista MSCP Sub Area Plan. This easement includes the right, but not the obligation, to construct, install, maintain, repair and reconstruct such infrastructure, and an easement for ingress and egress over the property conveyed hereby to the extent reasonably necessary to hook into such lines and facilities and to effect any such construction, installation, maintenance, repair, or reconstruction. This easement, when conveyed and transferred by Grantor, shall be appurtenant to any real property owned by Grantor that is designated in the instrument by which any such easement is conveyed by Grantor as all or a portion of the real property to which such easement is appurtenant. Grantor shall repair, at its own expense, any damage to the real property described herein arising from the exercise of the easement rights reserved hereby. Grantor's rights hereunder shall be subject to all applicable ordinances and requirements of the City of Chula Vista concerning the real property described herein, and the exercise of the easement rights described herein, including without limitation the Chula Vista Habitat Loss and Incidental Take Permit ordinances.

**ATTACHMENT C
Excerpt from the RMP Phase I**

Policy 6.6

Infrastructure may be allowed within the Preserve; conceptual locations of infrastructure facilities located within or crossing the Preserve are illustrated in Figures 14-18 (final infrastructure plans may deviate from the conceptual locations shown as long as Preserve resources are not adversely affected).

Standard: Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch.

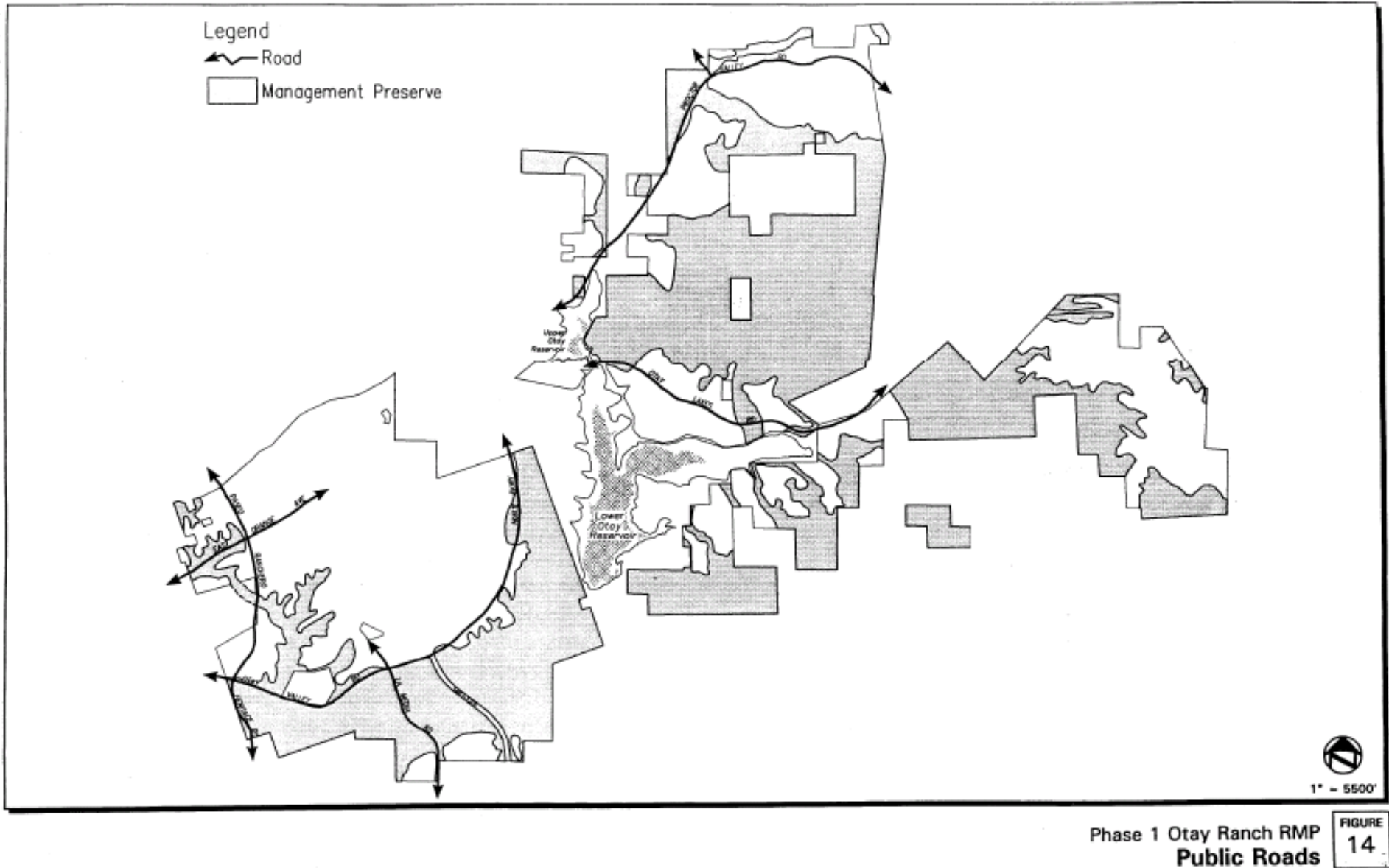
Guidelines:

- 1) Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- 2) Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- 3) CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- 4) When feasible, place infrastructure in roadways or outside the Preserve.
- 5) Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

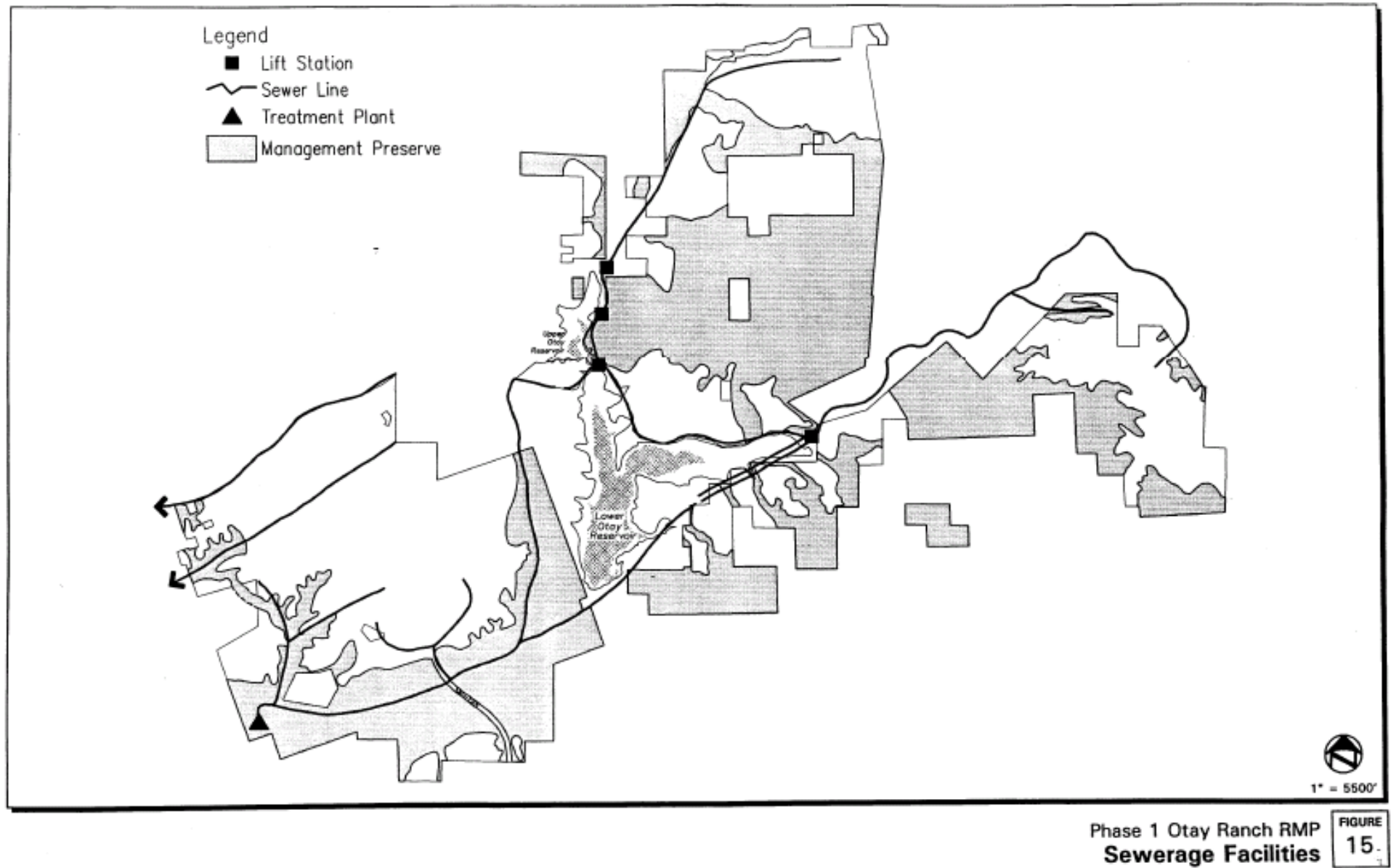
Policy 6.7

Fire roads shall be permitted within the Preserve only where absolutely necessary to assure public safety and control wildfires that may damage biological resources.

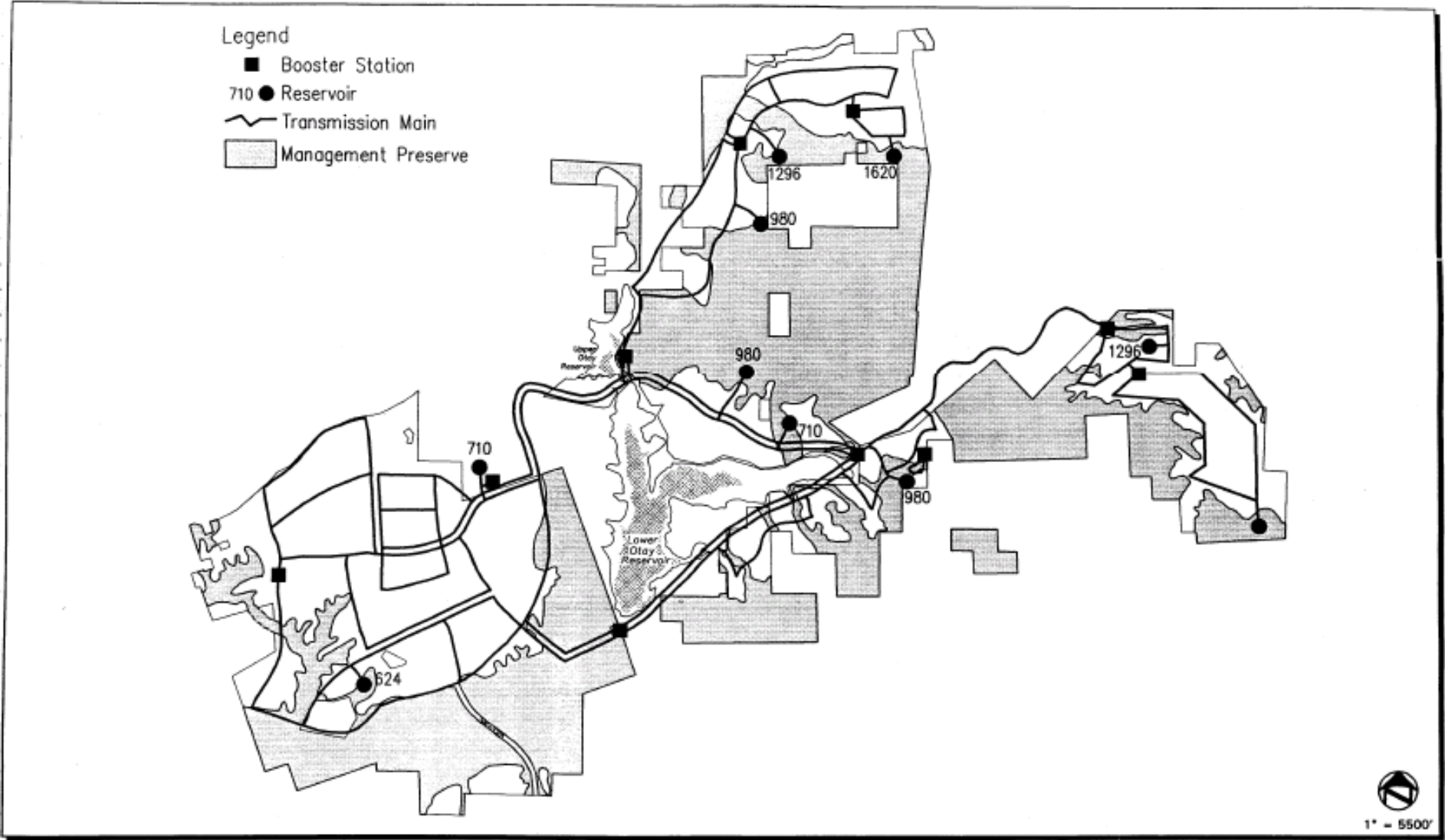
ATTACHMENT C, *Exhibit 1*



ATTACHMENT C, Exhibit 2



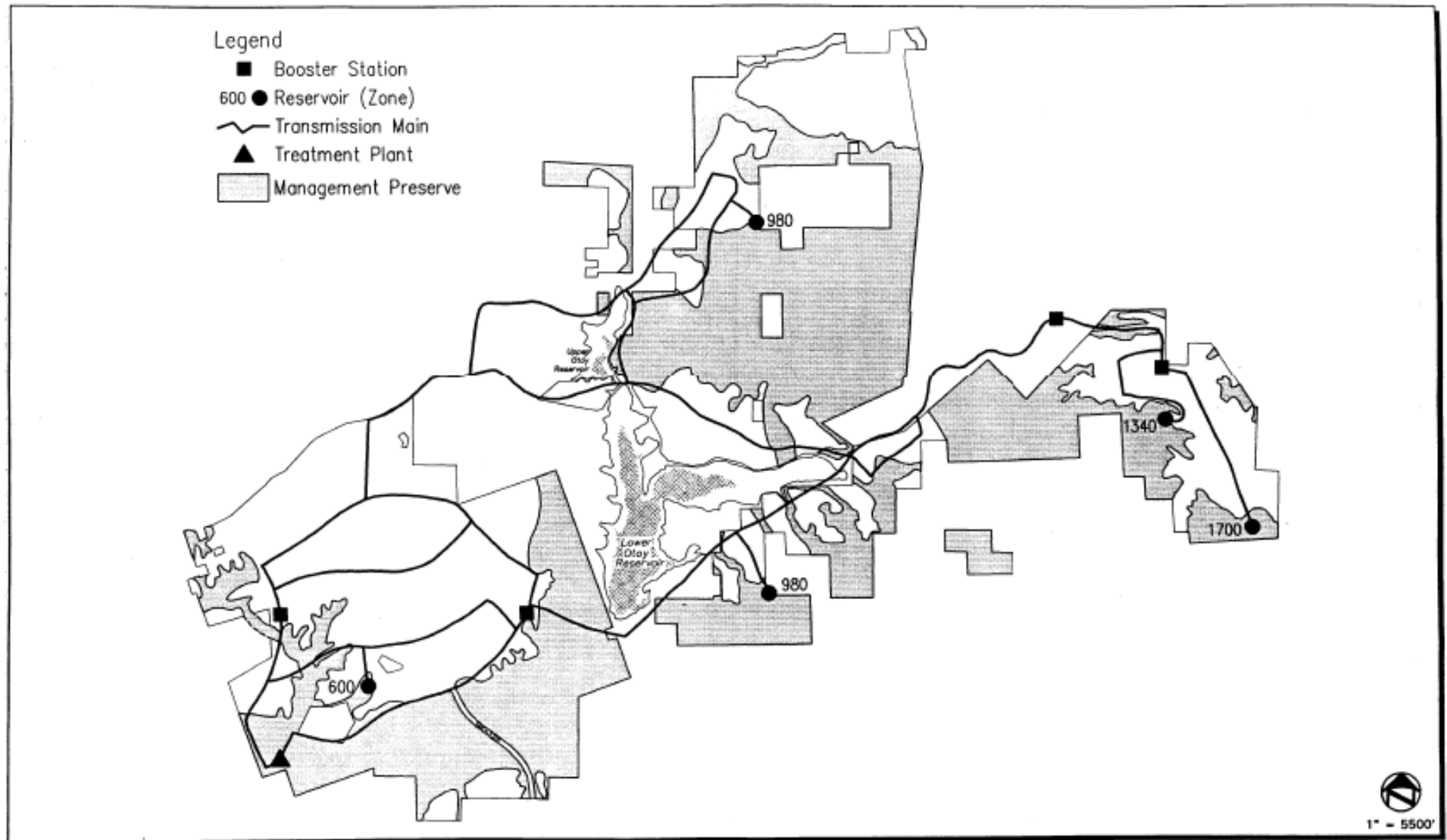
ATTACHMENT C, *Exhibit 3*



Phase 1 Otoy Ranch RMP
Water Facilities

FIGURE
16

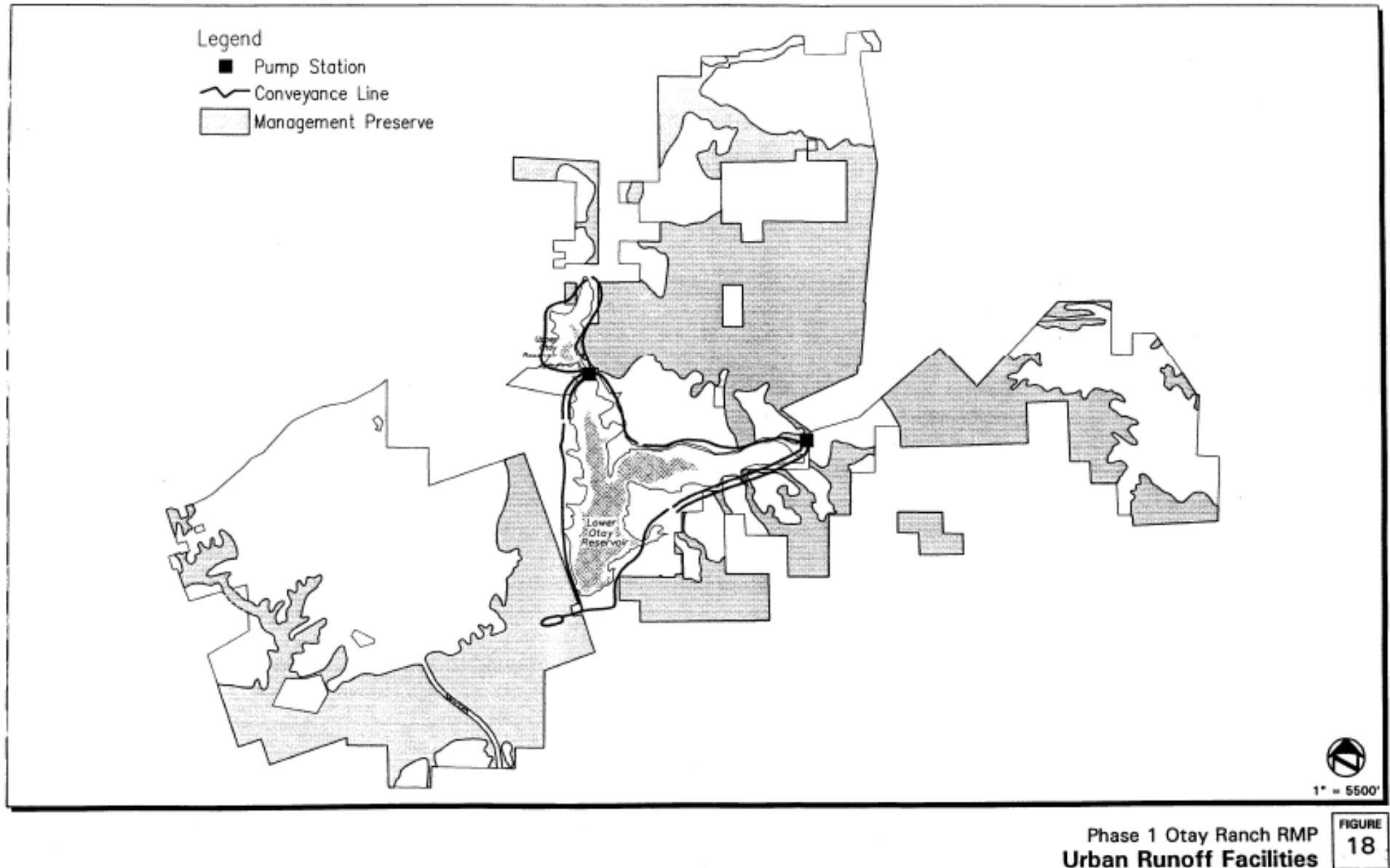
ATTACHMENT C, Exhibit 4



Phase 1 Otay Ranch RMP
Reclaimed Water Facilities

FIGURE
17

ATTACHMENT C, Exhibit 5



ATTACHMENT D

City of Chula Vista MSCP Subarea Plan Future Infrastructure Facilities Siting Criteria

6.3.3.2 Future Facilities

Future Facilities are those necessary to support planned development and have not been or cannot be identified and/or located at present. Permanent impacts to covered habitats in the Preserve from Future Facilities may not exceed a cumulative total of 50 acres, which may only be exceeded with concurrence from the Wildlife Agencies. In addition, no single facility may permanently impact more than two acres of covered habitat in the Preserve without concurrence from the Wildlife Agencies. Temporary impacts (i.e., from unforeseen required sewer laterals) will not be subject to these limitations, but all areas of temporary impact must be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan.

Table 6-2 lists all the categories of Future Facilities, and briefly identifies the implementation criteria applicable to all Future Facilities. Refer to Section 6.3.3.4 for specific Facilities Siting Criteria.

Table 6-2: Future Facilities

FACILITIES	IMPLEMENTATION CRITERIA/ASSURANCE
<p>Storm drain and flood control/detention facilities</p> <p>Desilting & sedimentation basins</p> <p>Extensions of electric and/or gas utility services to individual services</p> <p>Fire access roads</p> <p>Brush management roads</p> <p>Maintenance & operations roads</p> <p>New trails</p>	<ul style="list-style-type: none"> Each Future Facility is subject to a limit of two acres of permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All Future Facilities are subject to a cumulative limitation of 50 acres of overall permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All Future Facilities are subject to the Narrow Endemic Species policy detailed in Section 5.2.3 of this Subarea Plan for impacts to covered Narrow Endemic Species within the Preserve, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All impacts to Narrow Endemic Species within the Preserve are subject to equivalency findings, pursuant to Sections 5.2.3 and 6.3.3.4 of this Subarea Plan. All impacts to Covered Species and habitats, excluding Narrow Endemic Species up to the individual and cumulative caps, are mitigated by the conservation strategies in this Subarea Plan, and are authorized under the Take Authorization pursuant to this Subarea Plan.

6.3.3.4 Facilities Siting Criteria

It is expressly intended that flexibility be allowed in locating Planned and Future Facilities within the Preserve. It is also recognized that it may be necessary to locate public facilities in the Preserve that are not currently planned, known or anticipated. To the extent practical and as determined by the City, covered habitats and species will be avoided during the planning, design and construction of Planned and/or Future Facilities. The physical and engineering requirements of new roads and infrastructure shall be considered during the siting procedure, and siting and construction of such facilities will be accomplished in accordance with the following criteria, as determined by the City:

- Such facilities will be located in the least environmentally sensitive location feasible, and use existing roads, trails and other disturbed areas, including use of the active recreation areas in the Otay River Valley, as much as possible (except where such areas are occupied by the QCB). Facilities should be routed through developed or developing areas where possible. If no other

routing is feasible, alignments should follow previously existing roads, easements, rights of way, and disturbed areas, minimizing habitat fragmentation.

2. Such facilities shall avoid, to the maximum extent practicable, impact to Covered Species and Wetlands, and will be subject to the provisions, limitations and mitigation requirements for Narrow Endemic Species and Wetlands pursuant to Sections 5.2.3 and 5.2.4 of this Subarea Plan.
3. Where roads cross the Preserve, they should provide for wildlife movement in areas that are graphically depicted on and listed in the MSCP Subregional Plan Generalized Core Biological Resource Areas and Linkages map (Figure 1-4) as a core biological area or a regional linkage between core biological areas. All roads crossing the Preserve should be designed to result in the least impact feasible to Covered Species and Wetlands. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. To the extent feasible, crossings will be designed as follows: the substrate will be left in a natural condition or revegetated if soils engineering requirements force subsurface excavation and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.
4. To minimize habitat disruption, habitat fragmentation, impediments to wildlife movement and impact to breeding areas, road and/or right-of-way width shall be narrowed from existing City design and engineering standards, to the maximum extent practicable. In addition, roads shall be located in lower quality habitat or disturbed areas to the maximum extent practicable.
5. Impacts to Covered Species and habitats within the Preserve resulting from construction of Future Facilities will be evaluated by the City during project review and permitting. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located outside the Preserve, pursuant to this Subarea Plan and consistent with the Facility Siting Criteria in this Section.
6. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located within the Preserve, subject to a limitation of two acres of impact for individual projects and a cumulative total of 50 acres of impact for all Future Facilities. Wildlife Agency concurrence will be required for authorization of Take for any impacts to Covered Species and habitat within the Preserve that exceed two acres that may result from construction of any individual Future Facility. Wildlife Agency concurrence will be required for authorization of Take for impacts to Covered Species and habitat within the Preserve that exceed fifty acres that may result from all Future Facilities combined.
7. Planned and Future Facilities must avoid impacts to covered Narrow Endemic Species and the QCB to the maximum extent practicable. When such impacts cannot be avoided, impacts to covered Narrow Endemic Species within the Preserve that will result from construction of Planned and Future Facilities located within the Preserve are subject to equivalency findings and the limitations and provisions of Section 5.2.3.6 of this Subarea Plan. Impacts to QCB that will result from construction of Planned and Future Facilities within the Preserve are subject to the provisions of Section 5.2.8 of this Subarea Plan.

**PROPOSED CONVEYANCE (TITLE DEED OR IOD) LANGUAGE
Future Infrastructure Easements – City Staff Recommendation**

To be heard at May 28, 2008 PMT Meeting

RECOMMENDATION:

Chula Vista POM Staff recommends that conveyance documents (title deed or IOD) recognize future facilities should be sited pursuant to the RMP and the City's MSCP Facilities Siting Criteria. The criteria contained in Attachment A represents the applicable siting criteria from both the City's MSCP Subarea Plan and the RMP. As stated in Policy 6.6 of the Phase 1 RMP: "Infrastructure plans and their implementation shall be subject to the review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager" if such improvements are located within the Preserve. In addition, pursuant to the RMP policies, the siting of "Future Facilities" would be subject to review and comment by the POM.

The following identifies the procedures by which the siting of future facilities within the Otay Ranch Preserve shall be reviewed and processed by the POM:

1. The Fee Title/IOD will recognize that future infrastructure should be sited pursuant to the City's MSCP siting criteria. Pursuant to the RMP policies, the siting of future infrastructure would be subject to review and comment by the POM.
2. The POM staff shall be provided reasonable time to review the siting of the proposed infrastructure to determine whether said infrastructure is sited in accordance with the City of Chula Vista's MSCP siting criteria.
3. The City and County shall be provided with reasonable time to review and comment on the siting of any proposed future infrastructure in either jurisdictions' boundaries. The jurisdiction in which the proposed infrastructure is to be located shall consider the recommendations made by the other jurisdiction and the POM staff.
4. If the decision-making entity does not agree with the POM staff or the other jurisdiction, the issue will be forwarded to the Preserve Management Team and Policy Committee for discussion.
5. Provided however, the jurisdiction in which the infrastructure is located shall have the final decision-making authority.

BACKGROUND:

In order to comply with the Otay Ranch RMP Phases 1 and 2 conveyance plan requirements, IODs and fee title to various properties have been offered to the City of Chula Vista and County of San Diego for dedication of preserve land. Since 1999, some of these IODs have included language reserving easements for the siting of infrastructure (Attachment B).

RELEVANT PLANS AND POLICIES:

Otay Ranch Resource Management Plan

Policy 6.6 of the Otay Ranch Resource Management Plan (RMP) Phase 1 states that infrastructure facilities may be located within the Preserve. As defined in the RMP, "infrastructure facility" is defined as a road, sewage, water, reclaimed water, or urban runoff facility. Policy 6.6 of RMP Phase 1 further states, "Infrastructure plans and their implementation shall be subject to the review and comment by the appropriate jurisdictions in coordination with

the Preserve Owner/Manager” if such improvements are located within the Preserve. An excerpt from the RMP Phase I stating this policy is attached as Attachment C.

In addition, language used in RMP 1 clearly indicates that all construction activity for infrastructure improvements shall be subject to the approval by the appropriate jurisdiction and *review* of the Preserve Owner/Manager (Policy 8.3).

City of Chula Vista MSCP Subarea Plan

The Chula Vista MSCP Subarea Plan also considered roads and infrastructure a conditionally compatible use within the preserve. The Chula Vista MSCP Subarea Plan separated the infrastructure into two categories, Planned Facilities and Future Facilities. Planned Facilities are those that have been specifically identified by the City to serve development approved by the City. Future Facilities are those necessary to support planned development and have not been or cannot be identified and/or located at present (Table 6-2 of the City’s MSCP Subarea Plan). The Chula Vista MSCP Subarea Plan outlined specific criteria to allow future infrastructure facilities as well. These criteria are listed in Attachment A. The locations of the infrastructure facilities were further refined from those described in the RMP. Since the locations of infrastructure described and depicted in the RMP Phase 2 were conceptual, these refinements were anticipated.

**ATTACHMENT A
City of Chula Vista MSCP Subarea Plan Facilities Siting Criteria**

6.3.3.4 Facilities Siting Criteria

It is expressly intended that flexibility be allowed in locating Planned and Future Facilities within the Preserve. It is also recognized that it may be necessary to locate public facilities in the Preserve that are not currently planned, known or anticipated. To the extent practical and as determined by the City, covered habitats and species will be avoided during the planning, design and construction of Planned and/or Future Facilities. The physical and engineering requirements of new roads and infrastructure shall be considered during the siting procedure, and siting and construction of such facilities will be accomplished in accordance with the following criteria, as determined by the City:

1. Such facilities will be located in the least environmentally sensitive location feasible, and use existing roads, trails and other disturbed areas, including use of the active recreation areas in the Otay River Valley, as much as possible (except where such areas are occupied by the QCB). Facilities should be routed through developed or developing areas where possible. If no other routing is feasible, alignments should follow previously existing roads, easements, rights of way, and disturbed areas, minimizing habitat fragmentation.
2. Such facilities shall avoid, to the maximum extent practicable, impact to Covered Species and Wetlands, and will be subject to the provisions, limitations and mitigation requirements for Narrow Endemic Species and Wetlands pursuant to Sections 5.2.3 and 5.2.4 of this Subarea Plan.
3. Where roads cross the Preserve, they should provide for wildlife movement in areas that are graphically depicted on and listed in the MSCP Subregional Plan Generalized Core Biological Resource Areas and Linkages map (Figure 1-4) as a core biological area or a regional linkage between core biological areas. All roads crossing the Preserve should be designed to result in the least impact feasible to Covered Species and Wetlands. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. To the extent feasible, crossings will be designed as follows: the substrate will be left in a natural condition or revegetated if soils engineering requirements force subsurface excavation and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.
4. To minimize habitat disruption, habitat fragmentation, impediments to wildlife movement and impact to breeding areas, road and/or right-of-way width shall be narrowed from existing City design and engineering standards, to the maximum extent practicable. In addition, roads shall be located in lower quality habitat or disturbed areas to the maximum extent practicable.
5. Impacts to Covered Species and habitats within the Preserve resulting from construction of Future Facilities will be evaluated by the City during project review and permitting. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located outside the Preserve, pursuant to this Subarea Plan and consistent with the Facility Siting Criteria in this Section.

6. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located within the Preserve, subject to a limitation of two acres of impact for individual projects and a cumulative total of 50 acres of impact for all Future Facilities. Wildlife Agency concurrence will be required for authorization of Take for any impacts to Covered Species and habitat within the Preserve that exceed two acres that may result from construction of any individual Future Facility. Wildlife Agency concurrence will be required for authorization of Take for impacts to Covered Species and habitat within the Preserve that exceed fifty acres that may result from all Future Facilities combined.
7. Planned and Future Facilities must avoid impacts to covered Narrow Endemic Species and the QCB to the maximum extent practicable. When such impacts cannot be avoided, impacts to covered Narrow Endemic Species within the Preserve that will result from construction of Planned and Future Facilities located within the Preserve are subject to equivalency findings and the limitations and provisions of Section 5.2.3.6 of this Subarea Plan. Impacts to QCB that will result from construction of Planned and Future Facilities within the Preserve are subject to the provisions of Section 5.2.8 of this Subarea Plan.

**ATTACHMENT B
IOD Easement Language**

RESERVING UNTO GRANTOR, its successors and assigns, together with the right to grant and transfer same, an easement for sewer, water and/or drainage pipelines and facilities necessary to serve adjacent development as required by the City of Chula Vista. Such sewer, water and/or drainage pipelines shall be sited in locations defined and approved by the City of Chula Vista consistent with the provisions of the City of Chula Vista MSCP Subarea Plan. This easement includes the right, but not the obligation, to construct, install, maintain, repair and reconstruct such infrastructure, and an easement for ingress and egress over the property conveyed hereby to the extent reasonably necessary to hook into such lines and facilities and to effect any such construction, installation, maintenance, repair, or reconstruction. This easement, when conveyed and transferred by Grantor, shall be appurtenant to any real property owned by Grantor that is designated in the instrument by which any such easement is conveyed by Grantor as all or a portion of the real property to which such easement is appurtenant. Grantor shall repair, at its own expense, any damage to the real property described herein arising from the exercise of the easement rights reserved hereby. Grantor's rights hereunder shall be subject to all applicable ordinances and requirements of the City of Chula Vista concerning the real property described herein, and the exercise of the easement rights described herein, including without limitation the Chula Vista Habitat Loss and Incidental Take Permit ordinances.

ATTACHMENT C
Policy Excerpts from RMP 1 and 2

CONCEPTUAL INFRASTRUCTURE:

RMP Phase 1
Pages 107-113

Policy 6.6

Infrastructure may be allowed within the preserve; conceptual locations of infrastructure facilities located within or crossing the Preserve are illustrated in Figures 14-18 (final infrastructure plans may deviate from the conceptual locations shown as long as Preserve resources are not adversely affected).

Standard: Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch.

Guidelines:

- 1) Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- 2) Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- 3) CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- 4) When feasible, place infrastructure in roadways or outside the Preserve.
- 5) Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

Fire roads shall be permitted within the Preserve only where absolutely necessary to assure public safety, and control wildfires that may damage biological resources.

RMP Phase 11
Pages 165-171

6. Conceptual Infrastructure Plan

The Otay Ranch General Plan/Subregional Plan and Phase 1 Resource Management Plan contain the following policy language:

Policy: Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch. (GDP/SRP, Page 382; RIVIP Policy 6.6)

Policy 6.6 of the approved RMP includes the following guidelines for siting and design of infrastructure facilities within the Otay Ranch Preserve.

- Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- When feasible, place infrastructure in roadways or outside the Preserve.
- Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

As part of this Conceptual Infrastructure Plan, information presented in Figures 14-18 of the Phase 1 RMP has been refined and updated to reflect new data. Updated conceptual infrastructure maps have been prepared and are presented in Exhibits 31 through 36 of this document. Updated information reflects the following:

- Current (8/95) information regarding the status of SR-125 alternatives and La Media Road is shown (Exhibit 31);
- Updated sewerage information is shown and generally indicates less potential effect on preserve resources than previously anticipated (compare Exhibit 32 of this document with Figure 15 of the adopted RMP);
- Updated water facility information is shown and generally indicates less potential effect on preserve resources than previously anticipated (compare Exhibit 33 of this document with Figure 16 of the adopted RMP);
- Updated reclaimed water facility information is shown and generally indicates less potential effect on preserve resources than previously anticipated (compare Exhibit 34 of this document with Figure 26 of the adopted RMP);
- Assumptions regarding anticipated urban runoff facilities have not changed (compare Exhibit 35 of this document with Figure 28 of the adopted RMP);
- CWA Pipeline 4E has been constructed and traverses preserve resources in Salt Creek as illustrated in Exhibit 36 of this document;
- SDG&E Pipeline 2000, a high pressure gas line, is planned within existing SDG&E

easements in the Salt Creek area as illustrated in Exhibit 36 of this document.

Since approval of the Phase I RMP, more specific criteria regarding siting and design of utilities and infrastructure has been developed as part of the Multiple-Species Conservation Program. Otay Ranch is located within the study area of the MSCP Plan. Utilities and infrastructure to be located within the Otay Ranch Preserve should be consistent with the final MSCP siting and design criteria presented below.

a. Draft MSCP Utilities Siting Guidelines

Utility corridors (water, gas/electric, phone, sewer, cable) can be compatible with management of biological preserves if the following guidelines are observed:

- Design new utility corridors to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Site new facilities in low quality habitat or disturbed areas, to the extent possible. Encourage underground utilities and trenchless technology, where possible.
- Require approved restoration plans and construction monitoring plans for utility corridor construction and repairs.
- Require erosion control plans to address potential erosion and sedimentation impacts.
- Use narrow construction easements and/or underground construction to allow restoration of the right-of-way to native habitat.
- When possible, use practices such as jacking or boring pipelines under drainages.
 - Pre-assemble and fly transmission towers to sites to minimize access impacts.
 - Limit permanent access roads to selected points along the utility corridor.
 - Erect tamper-proof gates and locks at potential access points to minimize human intrusion.
 - Design transmission lines and poles to reduce or eliminate electrocution of raptors and other bird species.
 - Develop detailed plans with operational protocols for maintenance crews. These plans should address right-of-way and facilities vegetation control, dust control, fire control, noise control standards, hours of maintenance operations, seasonal constraints on operations that might adversely affect breeding of sensitive species, and erosion control.
- b. *Draft MSCP Watershed Protection Areas and Water Reclamation Facilities Guidelines*
 - Prepare site-specific watershed management plans to account for both water resources and biological resources.
 - Avoid construction of reclamation plants, pipelines, and pump stations during the breeding season, if breeding areas are within the 60 dBA noise contour of the construction activities.
 - Revegetate pipeline sites within native species to minimize erosion and provide cover and forage for wildlife.

- Investigate the potential for creation of multi-purpose wetlands, e.g., wetlands that provide habitat and also treat wastewater.
- Investigate ways to enhance riparian habitat using reclaimed water, but also consider potential downstream effects on brackish water habitats (estuaries).
- Direct lighting away from habitat areas.

C. Draft MSCP Roads and Rail Lines Siting Guidelines

- Investigate ways to make existing or planned roads and rail lines more compatible with preserve management goals. For example, analyze wildlife crossing points and check fencing to ensure that it correctly funnels animals to appropriate crossing points, if they exist.
- Encourage greater flexibility in engineering design standards for 1) maintenance roads through preserve areas and 2) park roads. These roads should be designed to minimize biological impacts while still considering safety standards (e.g., minimize road-bed width, eliminate shoulders on rural roads and maintenance roads, and minimize the number and location of maintenance roads).
- Secure preserve maintenance roads with tamper-proof gates and locks to control public access.
- Limit public access to selected entry points.
- Close any roads used primarily for construction access, either permanently or seasonally to enhance wildlife use of adjacent habitat.
- Design new roads to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Locate new roads in low quality habitat or disturbed areas and as far from streams as possible to limit habitat disturbance due to increased erosion and runoff.
- Hard-surface frequently used unpaved roads to reduce dust. Stabilize road margins with gravel.
- Site traffic controls such as stoplights and stop signs away from sensitive habitat to reduce the concentration of emissions and noise levels.

- Place roadside turnouts only in non-sensitive areas so as to avoid providing access to sensitive habitats.
- Regularly maintain drainage structures, including culverts. Minimize any materials sidecasting during road maintenance.
- Use bridges instead of culverts for all major riparian crossings and regional wildlife movement corridors, and use fencing to direct wildlife movement toward the wildlife underpass. The size of the riparian crossing and its importance as a wildlife corridor should dictate the design.
- Design freeway interchanges, which generate high noise levels, so that they do not cross wildlife corridors. Noise within underpasses should be less than 60 dBA during the time of day at which the animals use it. Shield corridors from artificial lighting. Use skylight openings within the underpass to allow for vegetative cover within the underpass, and to decrease the cave-like appearance. Design underpasses such that the length-to-width ratio is less than 2. This ratio can be less restrictive if the height of the underpass is greater than 10 m (33-ft.).
- Identify the responsibility for financing bridges and wildlife undercrossings.
- Construct noise barriers for short sections of road that may impact wildlife breeding. Noise barriers should be of sufficient height to attenuate noise from semi-trailer trucks (e.g., approximately 10 ft. along rural roads receiving approximately 10,000 average daily traffic yields 60 dBA).
- Develop road maintenance protocols to prevent adverse impacts to local watercourses, erosion, and excessive amounts of dust and noise.

INTERIM USES:

RMP Phase 1
Pages 116-117

OBJECTIVE 8 - RESOURCE PRESERVE - INTERIM LAND USES

Identify interim uses and activities that may continue within the proposed Preserve until conveyance to the Preserve Owner/Manager.

Policy 8.1

Existing conditions (uses) will not be allowed to negatively impact the sensitive resources in the Preserve,

Standards:

- 1) Existing agricultural uses, including cultivation and grazing, shall be permitted to continue as an interim activity, only where they have occurred historically and continually.
- 2) No increase in irrigation shall be allowed, except for temporary irrigation that may be installed as part of restoration plans,
- 3) Grazing by sheep and goats shall not be allowed.
- 4) Cattle grazing shall be phased out in accordance with the conveyance program and Range Management Plan.

Policy 8.2

The County of San Diego or City of Chula Vista shall manage ongoing mineral extraction operations through the permit process.

Policy 8.3

Construction activities associated with infrastructure necessary for implementation of an approved development plan shall be allowed as an interim activity,

Standard: All construction activities shall take place in accordance with standards and criteria outlined in the conceptual infrastructure improvement plans as required in Policy 6.7. The improvement plans shall be subject to approval by the appropriate jurisdiction and review by the Preserve Owner/Manager.

**ATTACHMENT D
List of Future Facilities**

Table 6-2: Future Facilities

FACILITIES	IMPLEMENTATION CRITERIA/ASSURANCE
Storm drain and flood control/detention facilities	<ul style="list-style-type: none"> Each Future Facility is subject to a limit of two acres of permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.
Desilting & sedimentation basins	
Extensions of electric and/or gas utility services to individual services	<ul style="list-style-type: none"> All Future Facilities are subject to a cumulative limitation of 50 acres of overall permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.
Fire access roads	
Brush management roads	<ul style="list-style-type: none"> All Future Facilities are subject to the Narrow Endemic Species policy detailed in Section 5.2.3 of this Subarea Plan for impacts to covered Narrow Endemic Species within the Preserve, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All impacts to Narrow Endemic Species within the Preserve are subject to equivalency findings, pursuant to Sections 5.2.3 and 6.3.3.4 of this Subarea Plan.
Maintenance & operations roads	
New trails	
	<ul style="list-style-type: none"> All impacts to Covered Species and habitats, excluding Narrow Endemic Species up to the individual and cumulative caps, are mitigated by the conservation strategies in this Subarea Plan, and are authorized under the Take Authorization pursuant to this Subarea Plan.